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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402-0938

EXAMINER
LE, DEBBIE M

ART UNIT	PAPER NUMBER
2167	

DATE MAILED: 06/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	**Applicant(s)**
Office Action Summary	09/938,322	HE ET AL.
	Examiner	**Art Unit**	
	DEBBIE M. LE	2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>27 May 2005</u>.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-24* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a)☐ All   b)☐ Some * c)☐ None of:
   1.☐ Certified copies of the priority documents have been received.
   2.☐ Certified copies of the priority documents have been received in Application No. _____.
   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-24 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The language of the claim raise a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basic of statutory subject matter under 35 U.S.C. 101.

To expedite a complete examination of the instant application the claims rejected under 35 U.S.C 101 (nonstatutory) above are further rejected as set forth below in anticipation of applicant amending these claims to place them within the four categories.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

Claims 1-2, 8, 10-13, 17-24 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Hasan (US Patent 6,404,859 B1) in view of Wong et al (US patent

6,748,375 B1).

As per claim 1, Hasan discloses a gateway, comprising:

a command interpreter engine (Fig. 1, # 20, col. 3, lines 54-55) to detect speech

input (Fig. 1, # 10, col. 3, lines 35-36, 55-57);

search a network for contents (Fig. 1, # 24a-c, col. 3, lines 57-65); and

a transformation engine to convert a data format used in the contents retrieved

from the network into a format supported by a client device (Fig. 1, # 28, col. 2, lines 36-

39, col. 6, lines 38-43).

Hasan teaches the voice of the user (e.g., speech) is converted into a computer-

recogninzed commands and these commands are executed to perform a corresponding

search of the appropriate files in the computers private network 24a-c to retrieve the

files meeting the criterion of specific user (col. 3, lines 55-65). Hasan does not explicitly

teach detect keywords in speech input and a search and analysis engine to search a

network based on the keywords. However, Wong teaches a decoding system 204

decodes the audio communication information and convert the audio information to a

format suitable (i.e., generating search terms and or keywords) (col. 2, lines 29-33, col.

6, lines 12-32). Thus, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to combine the teachings of the cited references to convert

an audio communication into keywords as disclosed by Wong because it would enable

Hasan's system to utilize keywords to search for relevant data from the computers 24a-

24c (Hasan's Fig. 1), if the computers 24a-24c do not satisfy user's request, then the

computers 24a-24c can send the client's request through the Firewall Server 26

(Hasan's Fig. 1) to the outside world, Internet 32 (Hasan's Fig. 1, # 32) to obtain the

search results. Therefore, using keywords as taught by Wong's system would enable a

search engine 206 performs a search on the Internet for content related to the specific

user's criterion, as suggest by Wong (col. 3, lines 45-48, col. 4, lines 10-19).

As per claim 2, Wong teaches wherein the transformation engine is to convert an

image from one format into another format (Fig. 6).

As per claim 8, Hasan teaches a text-to-speech engine to translate text in the

contents into audio speech (Fig. 1, # 28).

As per claims 10-11, Wong teaches a publish rendering engine to convert a

display page into multiple pages, a display line into multiple lines (Fig. 1, par. 0021).

As per claim 12, Hasan discloses a method, comprising:

translating the feature into a request (Fig. 1, # 20, col. 3, lines 54-55, col. 3, lines

35-36, 55-57);

retrieving contents from a network based on the request (Fig. 1, # 24a-c, col. 3,

lines 57-65); and

adapting the contents to a client (Fig. 1, # 28, col. 2, lines 36-39, col. 6, lines 38-

43).

Hasan teaches the voice of the user (e.g., speech) is converted into a computer-

recoginzed commands and these commands are executed to perform a corresponding

search of the appropriate files in the computers private network 24a-c to retrieve the

files meeting the criterion of specific user (col. 3, lines 55-65). Hasan does not explicitly

teach extracting a feature from user input. However, Wong teaches 'extracting a

feature from user input' *as a decoding system 204 decodes the audio communication*

information and convert the audio information to a format suitable (i.e., generating

search terms and or keywords) (col. 2, lines 29-33, col. 6, lines 12-32). Thus, it would

have been obvious to one of ordinary skill in the art at the time the invention was made

to combine the teachings of the cited references extracting a feature from user input as

disclosed by Wong because it would enable Hasan's system to utilize the extracting

features to search for relevant data from the computers 24a-24c (Hasan's Fig. 1), if the

computers 24a-24c do not satisfy user's request, then the computers 24a-24c can send

the client's request through the Firewall Server 26 (Hasan's Fig. 1) to the outside world,

Internet 32 (Hasan's Fig. 1, # 32) to obtain the search results. Therefore, using the

extracting features as taught by Wong's system would enable a search engine 206

performs a search on the Internet for content related to the specific user's criterion

(extracting features), as suggest by Wong (col. 3, lines 45-48, col. 4, lines 10-19).

As per claim 13, Hasan teaches wherein the adapting further comprises

converting text to audio speech (Fig. 1, # 28).

Claims 17-18 have similar limitations as claims 10-11; therefore, they are

rejected under the same subject matter.

As per claims 19-20, Wong teaches wherein the user input comprises an address

of the contents, the address is a uniform resource locator (par. 0022).

As per claim 21, Wong teaches wherein the feature further comprises at least

one keyword in the user input (par. 0027).

Claim 22 is rejected by the same rationale as state in claim 12 arguments.

As per claim 23, Wong teaches wherein the feature comprises a keyword to be

searched (Fig. 5, par. 0027).

As per claim 24, Hasan teaches wherein the adapting further comprises:

translating text in the contents into audio speech (Fig. 1, # 28).

Claims 3-7, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Hasan (US Patent 6,404,859 B1) in view of Wong et al (US patent 6,748,375 B1), and

further in view of Jimenez et al (US Patent Application No. 2002/0006124 A1).

As per claim 3, Hasan and Wong do not explicitly teach a service sniffer to

distinguish between different inputs from different clients and to direct the different

inputs to appropriate services within the gateway. However, Jimenez teaches 'a service

sniffer to distinguish between different inputs from different clients and to direct the

different inputs to appropriate services within the gateway' *as the telephony interface*

module receives audio signals from the resources in communication with the IP network

and converts those audio signals to an audio signal conforming to a QoS telephony

packet protocol to transmit the signal to a user of a telephony device in communication

with the PSTN (see par. 0005, last 6 lines). Thus, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to combine the teachings of

the cited references to implement a service sniffer to direct the different inputs from

different clients to appropriate services in order to obtain results from a source (i.e., a

provider web server, a provider message store) (see Jimenez, Fig. 2) for content related

to the specific user's criterion, as suggest by Wong (col. 3, lines 45-48, col. 4, lines 10-

19).

As per claim 4, Jimenez teaches wherein the service sniffer is to direct telephone

services to a voice portal (Fig. 3a, # 158, par. 0029).

As per claim 5, Jimenez teaches wherein the service sniffer is to direct DSR

(distributed speech recognition) services to a DSR portal (Fig. 3a, # 154, par. 0029).

As per claim 6, Jimenez teaches a quality of service daemon to receive quality of

service requesting information from the client (par. 0005).

As per claim 7, Jimenez teaches wherein the quality of service daemon is further

to adjust quality of service parameters of the client device according to network

conditions and then to send the adjusted quality of service parameters to the client

device (par. 0006).

As per claim 9, Hasan and Wong do not explicitly teach a speech coder to

compress audio to accommodate bandwidth of a transmission medium between the

client device and the gateway. However, Jimenz teaches a speech coder to compress

audio to accommodate bandwidth of a transmission medium between the client device

and the gateway (*as the audio file will be created in the encoding format, the audio file

indicated by the URL and plays the audio file to the user*) (see page, 4, from RECOD-

PLAY sections). Thus, it would have been obvious to one of ordinary skill in the art at

the time the invention was made to combine the teachings of the cited references to

compress audio to accommodate bandwidth of a transmission medium between the

client device and the gateway as disclosed by Jimenez because it would allow Hasan's

system and Wong's system to retrieve the audio file at later time (i.e., a user telephony

device has reached capacity, or does not response), the application service offered to

the caller is retrieved via a VoiceXML over an IP network, just establishing the indicated

URLs has provided by the telephone system 100 to retrieve the data, as suggested by

Jimenez (see par. 0021, 0006).

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hasan

(US Patent 6,404,859 B1) in view of Wong et al (US patent 6,748,375 B1), and further

in view of Aarnio et al (US patent Application No. 2005/0059426 A1).

As per claim 14, Hasan and Wong do not explicitly teach the adapting further

comprises adapting the contents to a screen size of the client. However, Aarnio

teaches adapting the contents to a screen size of the client (see abstract). Thus, it

would have been obvious to one of ordinary skill in the art at the time the invention was

made to combine the teachings of the cited references to provide an adapting the

contents to a screen size of the client because it would provide user display device of

Hasan's system and Wong's system the ability to present the entire content of incoming

messages and output the maximum amount a received messages on their screen, for

example, the entire content message can be seen at one time on the display (see

Aarnio, par. 0003, 0006).

Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Hasan (US Patent 6,404,859 B1) in view of Wong et al (US patent 6,748,375 B1), and

further in view of Balog et al (US Patent Application 2002/0022453 A1).

As per claims 15-16, Hasan and Wong do not explicitly teach wherein the

adapting further comprises adapting the contents to a screen resolution, a color depth of

the client. However, Balog teaches adapting the contents to a screen resolution, a color

depth of the client (par. 0030). Thus, it would have been obvious to one of ordinary skill

in the art at the time the invention was made to combine the teachings of the cited

references to implement the step of adapting the contents to a screen resolution, a color

depth of the client because each device would have its own characteristics, therefore,

the service provider 12 adopts a protocol that is substantially best suited for the delivery

of the content to the device in order to optimize for successful content delivery based on

user's preferences.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to DEBBIE M. LE whose telephone number is (571) 272-

4111. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, JOHN BREENE can be reached on (571) 272-4107. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

DEBBIE M LE
Examiner
Art Unit 2167

Debbie Le

June 16, 2005.